



SICKNESS ABSENCE POLICY (WCC)

CLICK [HERE](#) FOR A SIMPLE OVERVIEW OF THE PROCESS

CLICK [HERE](#) FOR FAQs ABOUT THE MANAGING SICK LEAVE POLICY

CLICK [HERE](#) FOR QUICK REFERENCE TO KEY ELEMENTS OF THE MANAGING SICK LEAVE POLICY



How to use this document:

Press Ctrl + left click on the Hyperlink in order to follow link.
Press Ctrl + Home on the keyboard to come back to the front page.

Date of Issue	Date of last issue	Review Date
September 2018	April 2016	September 2019

MANAGING SICK LEAVE PROCEDURE

[*Click here for exceptional circumstances options](#)

Employee returns to work after sick leave, or remains on sick leave after 8 working days sick leave

Has the employee:
Had 8 working days sick leave in the last rolling 12 months? **OR** do they have: An absence pattern or health issue which causes concern?
OR
An absence pattern of coming to work and leaving early or coming into work late due to sickness

Yes

Step 1

- Refer to OH
- Invite employee to [Step 1 Meeting](#):
- Confirm employee now on Step 1
- 4 week monitoring period starts
- Write to confirm meeting outcome

Step 1 Review
Review 4 week monitoring period
Has there been a satisfactory improvement in attendance?

Yes

Meet with Employee to confirm outcome and no further action unless sickness record deteriorates in which case you reconvene last step taken e.g. end of Step 1, Step 2 or Step 3 Meeting.

Step 2: Seek HR advice.
Invite employee to Step 2 Meeting
At Step 2 Meeting confirm

- employee now on Step 2,
- 2nd 4 week monitoring period starts Referral to OH if appropriate.
- Write to confirm meeting outcome

Step 2 Review
Review 2nd 4 week monitoring period
Has there been a satisfactory improvement in attendance?

Yes

End of final exceptional monitoring period (Step 3)
Review employee's attendance.
Has there been a satisfactory improvement in attendance?

Yes

Is decision that there are exceptional circumstances which warrant

- Further exceptional monitoring period of up to max 3 months, or
- Redeployment to alternative work for 4 wk trial period, or
- Redeployment to a lower

No

Write to employee to confirm dismissal with notice or pay in lieu of notice

Step 3: Seek HR advice.
Invite employee to Step 3 Meeting; Confirm:

- employee is now on Step 3,
- Consider up to date OH advice
- *no exceptional circumstances
- Report will be prepared for Step 3 Sickness Hearing with [Adjudicating Manager](#)
- Write to confirm meeting outcome

Step 3 Sickness Hearing
Invite Employee to Step 3 Sickness Hearing with 10 working days notice, with copy of Report

Employee has right to send written response to append to Report no later than 5 working days before Step 3 Sickness Hearing

Step 3 Sickness Hearing: Adjudicating Manager will:

- Review employee's sickness record / action taken to date;
- Consider OH advice and make decision on employee's continued employment;*
- Write to confirm meeting outcome

No to all questions

Have a [Return to Work Discussion](#) and Complete Self Certification and RTW Form.

Ends

Adjudicating Manager
Chief Officer/Heads of Delivery Unit/ Chief Commissioners reporting to EMT

QUICK REFERENCE

- 1) [Summary](#)
- 2) [Managers' responsibilities](#)
- 3) [Employee's responsibilities](#)
- 4) [Sickness absence notification and certification procedures](#)
- 5) [Managing Sick leave Procedures](#)
- 6) [Formal attendance monitoring – Step 1](#)
- 7) [Formal attendance monitoring – Step 2](#)
- 8) [Formal attendance monitoring – Step 3](#)
- 9) [Step 3 Sickness Hearing](#)
- 10) [Occupational Health Unit advice and referrals](#)
- 11) [When should an employee be referred to Occupational Health?](#)
- 12) [Frequently Asked Questions](#)

Summary

The intention of this policy is to maximise attendance and reduce the level of sickness absence in the council, by encouraging, assisting and facilitating staff to return to or remain at work. To accomplish this, the council's procedures for monitoring, recording, self-certifying and certificating absences must be strictly followed.

The council may refer an employee to its occupational health service for an opinion on the employee's health **at any time**.

Where, due to ill-health, an employee is assessed as unfit for their current job, or is or becomes disabled as defined by the Equality Act 2010, the council will make reasonable efforts to find an alternative job which may be more suitable, or make reasonable adjustments to their current job where appropriate.

In circumstances where alternative employment is not available, adjustments to current duties are untenable, sickness absence is prolonged, or there is a high incidence of separate periods of sick leave which impact on service delivery, colleagues and employees, the **Managing Sick Leave Procedures** will be applied. In the event that there is not an improvement in attendance to a level which the council considers to be satisfactory, this may lead to dismissal.

Abuse of, suspected abuse of, or failure to comply with this policy, or any associated procedure, may result in sick pay being withheld and/or disciplinary action being taken.

Employees will be treated fairly, equally and consistently. These procedures will not be applied as a punitive measure.

As a Manager, you should:

- make sure your employees understand and comply strictly with the **sickness absence notification and certification procedures** if unable to attend work due to sickness;
- record your employees sickness absence on Agresso, issue instructions to the BT Shared Service Centre (BTSSC) to stop sick pay and consider disciplinary action if employees do not comply with the sickness absence notification and certification procedures without reasonable explanation which is accepted;
- meet with your employees when they return from every instance of sickness absence regardless of length of sickness absence. You should discuss the sickness absence, if appropriate obtain information which may assist the employee to maintain or improve their attendance, the effect the absence has had on the service, the need for cover, and the management of any backlogs.
- If appropriate, remind the employee that the Employee Assistance Programme is available to assist in offering counselling, support, advice or information at any time.

- Ensure your employees complete the Self Certification form on Agresso and that you note any action resulting from your discussion with your employee.
- Commence the **Managing Sick Leave Procedure** without delay and make a prompt referral to Occupational Health (OH) **when any employee has had:**
- 8 or more day's sick leave within the previous 12 or less months, **OR**
- Has an absence pattern or health issue which causes concern, whether they have returned to work, or their return is not in the immediate future. **OR**
- Has an absence pattern of coming to work and leaving early or coming into work late due to sickness.
- Even if the employee is still on sick leave at this point, you need to start the **Managing Sick Leave Procedure**
- Monitor the level of sickness in your team and respond to any request for monitoring information. This may include keeping records of instances where employees come in to work and leave early or come into work late due to sickness
- Where the employee declares a disability, as defined by the Equality Act (2010), there is a duty to consider reasonable adjustments to assist the employee in carrying out their job. Consideration must be given, for example, to job restructuring/ modification, wherever practicable. OH advice must be sought. Should the restructuring/modification of duties lead to reduced responsibilities, the post will be re-evaluated as necessary and the individual's remuneration and terms and conditions will be in line with any revised evaluation.

Employee's responsibilities:

As an employee you must:

- comply with the **sickness absence notification and certification procedures** if you are unable to attend work due to sickness; failure to do so may result in pay being withheld and/or disciplinary action;
- attend OH appointments as directed; if you do not attend such an appointment without an explanation which is acceptable to the council sick pay may be withheld until you attend an appointment, and/or disciplinary action may be taken ;
- complete the Self-Certification form on Agresso on your return from each period of absence and submit this to your manager
- make sure you submit a "fit to work" Statement(s) to your manager for all sickness absence over 7 calendar days. Such Statements must be dated from no later than the 8th day of absence to cover the whole period of any absence, with each subsequent Statement signed and dated from the expiry date of the previous one, without any uncertified gaps, and submitted immediately by 1st class post to your manager, in order to ensure continuity of sickness pay (this is in addition to the Self-Certification form).
- attend any meetings arranged and comply with any instructions issued under this policy and associated procedures

- make sure you tell your manager of any short term or long term disability¹ this is to ensure that any reasonable adjustments are considered.

SICK LEAVE – WHO TO CONTACT BY WHEN

(Sickness absence notification and certification procedures)

When to contact.	What action you need to take.
<p>1st <u>working</u> day of absence <i>As soon as possible and by no later than one hour after you are due to start work, (for shift workers/24 hr services, by one hour before your shift starts)</i></p>	<p>Speak to your Manager* and explain:</p> <ul style="list-style-type: none"> • why you cannot come into work; • when you anticipate returning to work; • that you will complete a self certification form upon your return
<p>4th <u>working</u> day of absence <i>As soon as possible and by no later than one hour after you are due to start work, (for shift workers/24 hr services, by one hour before your shift starts)</i></p>	<p>Speak to your Manager* and explain</p> <ul style="list-style-type: none"> • progress concerning your sickness e.g. whether or not you have seen or intend to see a doctor; • when you anticipate returning to work (note the requirements below if your sickness absence goes into the 8th calendar day).
<p>7th <u>calendar</u> day of absence (or next working day if this is not a working day for your service) <i>As soon as possible and by no later than one hour after you are due to start work (for shift workers/24 hr services, by one hour before your shift starts)</i></p>	<p>Speak to your Manager* and explain:</p> <ul style="list-style-type: none"> • progress regarding your sickness; • when you anticipate returning to work; • that, if your sickness goes into an 8th calendar day, you will obtain a “fit to work” statement on the 8th day and send to your manager by 1st class post immediately.
<p>11th <u>working</u> day of absence <i>As soon as possible and by no later than one hour after you are due to start work at the latest (for shift workers/24 hr services, by one hour before your shift starts)</i></p>	<p>Speak to your Manager* and explain</p> <ul style="list-style-type: none"> • progress regarding your sickness; • confirm that you have obtained a “fit to work” statement and when you sent it • when you anticipate returning to work.
<p>18th <u>working</u> day of absence <i>As soon as possible and by no later than one hour after you are due to start work at the latest (for shift workers/24 hr services, by one hour before your shift starts)</i></p>	<p>Speak to your Manager* and explain</p> <ul style="list-style-type: none"> • progress regarding your sickness; • when you anticipate returning to work.

¹ This information will be captured and recorded in the council's HR management system. It will be treated with confidentiality in accordance with the Data Protection Act.

- If someone contacts your manager on your behalf they must explain why you cannot call personally.
- *You must speak to your manager and should only contact the manager's designated alternative person if your manager is unavailable. The overriding requirement is to speak to a manager not to leave/send messages by any other means e.g. via a colleague, email, text etc.
- Sickness when due to work at home (homeworking) or away from the work base, or when on day release, is subject to the above procedures and the same sanctions apply for failure to comply with them.

Managing Sick Leave Procedures

STEP 1

8 or more working days sickness absence in previous 12 months or less (and/or an absence pattern or health issue which causes concern)

Meeting Invite: Once an employee's sickness absence means that they:

- Have had 8 working days or more sick leave in the last rolling 12 or less month period, **OR:**
- An absence pattern or health issue which causes concern, whether they have returned to work, or their return is not in the immediate future. **OR:**
- An absence pattern of coming to work and leaving early or coming into work late due to sickness:
- the employee must be invited to attend a Step 1 Meeting*. You should give at least five clear working days notice of the meeting, and the right to be represented by a trade union representative or council colleague.
* Where there has been previous action and issues in connection with sick leave management within the last 2 years which reached the end of step 1 review stage, you should decide at this point to automatically proceed to Step 2 of the Managing Sick Leave Procedure.
- Even if the employee is still on sick leave, and their return to work is unlikely in the immediate future, the employee must still be invited to a Step 1 Meeting. Although on sick leave, an employee may still be able to attend the work place for an interview; if not, a home visit may be possible, or the employee can be invited to send written information in for consideration. In the event that a face to face meeting is inappropriate and/or untenable, a letter which sets out the matters which would have been discussed at a meeting (see below) must be sent to the employee's home address.)

At the meeting, you should:

- discuss the sickness absence, if appropriate obtain information which may assist the employee to maintain or improve their attendance, including any issues relating to disability, the effect the absence has had on the service, the need for cover, and the management of any backlogs
- Advise the employee that their sick leave record will now be managed under the Managing Sick Leave Procedure, and give them a copy of the policy and procedure.
- confirm that their attendance will be monitored under Step 1 of this process for a 4 week period, and you will then invite them to a review meeting to discuss the outcome

- Confirm that they will now be referred to the Occupational Health Unit in order to obtain medical advice on their health and fitness to carry out the duties for which they have been employed. (the Occupational Health Adviser may require the employee to attend a medical interview at City Hall). This must include a request for advice on reasonable adjustments where a disability (as defined under the Equality Act) has been declared by the employee
- Remind the employee that the Employee Assistance Programme is available to assist in offering counselling, support, advice or information at any time.
- **After the meeting**, you should:
 - complete the [Self-Certification and Return to Work Form](#), noting any action resulting from your discussion, and send to BTSSC to record and to place on the employee's personal file.
 - refer the employee to Occupational Health Unit using the Referral Form (this also applies to employees who are still off sick)
 - Confirm the discussion held at the meeting in writing to the employee.

STEP 1 REVIEW

At the end of the 4 week monitoring period, you must review their attendance.

Satisfactory improvement

If there has been sufficient improvement during the 4 week monitoring period take the following action:

Meeting Invite:

The employee should be asked to attend a Step 1 Review Meeting, and given at least five clear working days notice of the meeting, and the right to be represented by a trade union representative or council colleague.

At the meeting, you should confirm that:

- during the 4 week monitoring period the employee's attendance has improved to a level which you consider to be satisfactory
- no further action is therefore appropriate at this time.
- that if their level of sick leave deteriorates and gives the council cause for concern at any time in the next 2 years, this procedure will be re-applied from this stage in the process i.e. proceed to step 2.

After the meeting, you should confirm:

the discussion at the meeting in writing to the employee and notify your HR Advisor of the action taken at this stage.

No or insufficient improvement during the 4 week monitoring period –

If there has been no or insufficient improvement during the 4 week monitoring period, progress to Step 2.

STEP 2

Step 2 Start

Meeting Invite: the employee should be asked to attend a Step 2 Meeting*, and given at least five clear working days notice of the meeting, and the right to be represented by a trade union representative or council colleague

** Where there has been previous action and issues in connection with sick leave management within the last 2 years which reached the end of step 2 review stage, you should decide at this point to automatically proceed to Step 3 of the Managing Sick Leave Procedure.

Even if the employee is still on sick leave, and their return to work is unlikely in the immediate future, the employee must still be invited to a Step 2 Meeting. Although on sick leave, an employee may still be able to attend the work place for an interview; if not, a home visit may be possible, or the employee can be invited to send written information in for consideration.

At the meeting, you should

- confirm that during the Step 1 monitoring period the employee's attendance has not improved to a level which you consider to be satisfactory
- confirm that their attendance will therefore now be monitored under Step 2 of this process, for a further 4 week period.
- provide an indication of what would be considered to be a satisfactory level of attendance during the Step 2 monitoring period
- discuss the sickness absence, if appropriate obtain information which may assist the employee to maintain or improve their attendance, including any issues relating to disability, the effect the absence has had on the service, the need for cover, and the management of any backlogs
- confirm that they will be referred to the Occupational Health Unit if medical opinion has not already been obtained or there is reason to believe that the sickness circumstances have changed. This must include a request for advice on reasonable adjustments where a disability (as defined under the Equality Act) has been declared by the employee
- remind the employee that the Employee Assistance Programme is available to assist in offering counselling, support, advice or information at any time.
- confirm you will ask them to a further meeting on completion of the Step 2 monitoring period to discuss the outcome of this final monitoring period before a decision is taken on their continued employment.
- confirm that if there has been insufficient improvement at that point that the matter would be referred to an appropriate adjudicating manager² for review and a decision on the employee's continued employment.

² The adjudicating manager will be a Chief Officer/Head of Delivery Unit/ Chief Commissioner reporting to EMT Members who has the authority to dismiss.

After the meeting, you should confirm the discussion at the meeting in writing to the employee and notify your HR Advisor of the action taken at this stage.

Where a face to face meeting is inappropriate or untenable, or the employee failed to attend, a letter which sets out the matters which would have been discussed at a meeting (see above) together with the outcomes agreed must be sent to the employee's home address.

STEP 2 REVIEW

At the end of the 4 week monitoring period, you must review their attendance.

Satisfactory improvement

If there has been sufficient improvement during the 4 week monitoring period take the following action:

Meeting Invite: the employee should be asked to attend a Step 2 Review Meeting, and given at least five clear working days notice of the meeting, and the right to be represented by a trade union representative or council colleague.

At the meeting, you should confirm that

- during the Step 2 monitoring period (and having regard to the 8 week period in total) the employee's attendance has improved to a level which you consider to be satisfactory
- no further action is therefore appropriate at this time.
- that if their level of sick leave deteriorates and gives the council cause for concern at any time in the next 2 years, this procedure will be re-applied from this stage in the process i.e. proceed to step 3 .

After the meeting, you should confirm the discussion at the meeting in writing to the employee and notify your HR Advisor of the action taken at this stage.

No or insufficient improvement during the 4 week review period – progress to Step 3

STEP 3

Meeting Invite: the employee should be asked to attend a Step 3 Meeting, and given at least five clear working days notice of the meeting, and the right to be represented by a trade union representative or council colleague

Even if the employee is still on sick leave, and their return to work is unlikely in the immediate future, the employee must still be invited to a Step 3 Meeting. Although on sick leave, an employee may still be able to attend the work place for an interview; if not, a home visit may be possible, or the employee

can be invited to send written information in for consideration. In the event that a face to face meeting is inappropriate and/or untenable, a letter which sets out the matters which would have been discussed at a meeting (see below) must be sent to the employee's home address.) **You must seek HR advice prior to this meeting.**

1) **At the meeting**, you should

- Confirm that during the Step 2 monitoring period (and having regard to the 8 week period in total) the employee's attendance has not improved to a level which you consider to be satisfactory
- Confirm that their attendance will therefore now be considered under Step 3 of this process
- discuss the sickness absence, check whether there have been any changes in circumstances or in their condition, including any issues relating to disability, the effect the absence has had on the service, the need for cover, and the management of any backlogs
- remind the employee that the Employee Assistance Programme is available to assist in offering counselling, support, advice or information at any time confirm that they will be referred to the Occupational Health Unit if medical opinion has not already been obtained or there is reason to believe that the sickness circumstances have changed. If not already obtained, this must include a request for advice on reasonable adjustments where a disability (as defined under the Equality Act) has been declared by the employee
- Consider whether there are any exceptional circumstances which would warrant either :
 - a further monitoring period of not more than 4 weeks with a specified target level of attendance (e.g. no sick leave at all within the monitoring period, for example) with referral to a Step 3 Sickness Hearing at the end of the period unless the target attendance was met
 - or
 - subject to Occupational Health advice, suitable alternative work, on the same grade, if this is available, for a trial period of 4 weeks.
- These options should only be used if there is good reason to suppose that, by their use, there will be the desired improvement in the employee's attendance at work. If the desired improvement is not achieved by one of these measures, the employee must be referred to a Step 3 Sickness Hearing by the appropriate adjudicating manager for a decision on their continued employment.
- Where there are no exceptional circumstances, confirm you will now refer the matter to the appropriate Adjudicating Manager³ so that a decision on the employee's continued employment may be made.
- Advise the employee that a report will be prepared for the Adjudicating Manager which will include as appropriate :

³ The adjudicating manager will be a Chief Officer/Head of Delivery Unit/ Chief Commissioner reporting to EMTEMT Members who has the authority to dismiss.

- ❖ the employee's attendance record;
 - ❖ details of the action taken to date to improve attendance;
 - ❖ any issues that have arisen during the process
 - ❖ any recent medical information/opinion;
 - ❖ general employment record;
 - ❖ whether the employee has a disability, measures taken to make reasonable adjustments, or why this has not been possible;
 - ❖ arrangements to cover the employee's absences and
 - ❖ the impact on service delivery, colleagues, and budget.
- 2) **After the meeting**, you should confirm the discussion at the meeting in writing to the employee and notify your HR Advisor of the action taken at this stage.
 - 3) Where a face to face meeting was inappropriate or untenable, or the employee failed to attend, a letter which sets out the matters which would have been discussed at a meeting (see above) together with the outcomes agreed must be sent to the employee's home address.)

STEP 3 SICKNESS HEARING

- 1) **Meeting Invite:** the employee should be asked to attend a Step 3 Sickness Hearing
The letter must:
 - ❖ give at least ten clear working days notice of the meeting,
 - ❖ explain the purpose of the Hearing: e.g. to review the employee's sickness record and action taken/considered to date, and to make a decision on the employee's continued employment);
 - ❖ give the right to be represented by a trade union representative or council colleague.
 - ❖ Attach a copy of the Sickness Absence Report
 - ❖ Give the employee the opportunity to submit a written response to append to the Report by 5 working days before the hearing
 - ❖ advise the employee that the hearing may be held in their absence if they fail to attend or, if they are unable to attend, they may arrange representation at the meeting and/or provide written submissions.
- 2) Even if the employee is still on sick leave, and their return to work is unlikely in the immediate future, the employee must still be invited to a Step 3 Sickness Hearing. The letter will invite them to send written information in for consideration, or to send a representative. In the event that a face to face meeting is inappropriate and/or untenable, a letter which sets out the matters which would have been discussed at a meeting must be sent to the employee's home address.)
An HR representative must attend the Step 3 Sickness Hearing.
- 3) **At the Hearing:** The adjudicating manager will
 - review the employee's sickness record and the action taken/considered to date in the context of the council's sickness absence policy and its purpose. To include, where the employee has a disability as defined by

the Equality Act, measures taken to make reasonable adjustments, or why this has not been possible

- If it is clear that, because of their sickness record, and considering all the information presented at the hearing, the employee is incapable of satisfactorily performing the job for which they are employed, they will be dismissed with contractual/statutory notice (or pay in lieu of notice).
- Consider whether there are exceptional circumstances which would warrant action short of dismissal: e.g.
 - a further monitoring period of not more than 3 months with a specified target level of attendance (e.g. no sick leave at all within the monitoring period, for example) with re-referral to a Step 3 Sickness Hearing at the end of the period to consider dismissal for incapacity unless the target attendance was met
 - or
 - subject to Occupational Health advice, suitable alternative work, on the same grade, if this is available, for a trial period of 4 weeks.
 - subject to Occupational Health advice and availability, a suitable job on a lesser grade ,
- These options should only be used if there is good reason to suppose that, by their use, there will be the desired improvement in the employee's attendance at work. If the desired improvement is not achieved by one of these measures, the employee must be re-referred to a Step 3 Sickness Hearing by the appropriate adjudicating manager for a final decision on their continued employment.
- Where there has been Occupational Health Advice confirming that the employee is permanently unfit for current duties, their entitlement to pension benefits should be confirmed if appropriate – see [Occupational Health Unit Advice](#)

4) **After the Hearing:** you must confirm the outcome of the Sickness Hearing in writing to the employee. Where dismissal is the outcome the letter must:

- Confirm a summary of all the information considered by the Adjudicating Manager at the Hearing
- Confirm the pay arrangements during their period of notice (including that a payment in lieu of notice can be made if appropriate);
- Inform the employee of their right to appeal against dismissal, and that any appeal against dismissal will be considered by the Staff Appeals Committee (Dismissals);
- That an appeal must be registered in writing with the Step 3 adjudicating manager within 5 working days of receipt of the letter confirming the decision to dismiss;
- That they can be represented at the appeal by a trade union representative or council colleague.

The appeal should, where possible, be considered during the employee's notice period or the equivalent period if pay in lieu of notice is made.

Occupational Health Unit Advice

The Occupational Health Unit (OH) provides a flexible and responsive service to managers who are encouraged to raise any issues regarding employees' fitness to work.

Referral to Occupational Health

A manager can refer an employee to Occupational Health **at any time** when there is concern about that employee's health and fitness to carry out the duties for which they have been employed. Managers do not need to wait until an employee reaches 8 working days absence before they make a referral to OH. The 8 day trigger is the point at which managers **must refer** an employee to OH. Managers can also refer an employee to OH at any time if the employee:

- Has an absence pattern or health issue which causes concern, whether they have returned to work, or their return is not in the immediate future.
OR
- Has an absence pattern of coming to work and leaving early or coming into work late due to sickness.

OH has a key role within the managing sickness procedures to provide managers with the necessary medical opinion on the employee's health to assist and inform the decision making process. The manager should inform the employee of any referral and the reasons for it.

Before making a decision to dismiss or transfer an employee, a manager must have an up to date opinion from Occupational Health on the employee's health/medical condition.

Occupational Health may advise on adjustments to duties and alternative employment, but the availability of alternative employment and/or the reasonableness of suggested adjustments are determined by management.

Depending on the circumstances, Occupational Health may seek information about an employee's health from their GP and/or other medical practitioner. The employee must provide their written consent to such information being sought. If such information is not provided by the GP and/or other medical practitioner within 4 weeks of the request being sent, Occupational Health will provide advice on the basis of the information which is available to them.

1) Independent medical advice

At their own expense, an employee may seek independent medical advice at any time and, in the event of a medical opinion being supplied which conflicts with that of the council's Occupational Health Unit, a further referral to

Occupational Health will be arranged so that Occupational Health may consider previous advice in light of this further opinion.

2) Occupational Health Assessment

Following an examination or assessment, a report will be sent to the referring manager on the employee's fitness to work and will answer questions raised in the referral. An opinion may be given in accordance with the categories set out below, or comparable advice will be given. Occupational Health provides advice on the basis of the medical information available but the manager makes the final decision on the employee's fitness for the job.

3) What do Occupational Health Assessments mean?

“Fit for full normal duties”

Occupational Health advice to the effect that the employee is “fit for full normal duties” means that the employee should return to work (in the job for which they were employed) at the end of the current medical certificate, or some earlier date if Occupational Health so advises. No further action is necessary if the employee returns to work, apart from a return to work interview and any action required under the managing sick leave policy.

If the absence has been prolonged, Occupational Health may advise a phased return to work and/or light/limited duties on a temporary basis. Phased returns and temporary light duties should normally not exceed a period of four weeks. Absence from work as part of a phased return should be documented as “sick leave”. An HR adviser will advise on the implementation of phased returns and light duties etc.

“Unfit for normal duties”

If the employee is not fit to return to normal duties, the Occupational Health report will indicate:

- that a further review is required;
- an estimated date of return;
- that further medical information is required from the GP or a consultant or a combination of these.

The OH report may indicate that a return to work would be possible if certain duties and activities were avoided on a temporary basis. The manager should consider such advice and, where possible, facilitate a return to work with temporarily amended duties.

The manager will apply the [Managing Sick Leave Procedure](#) and decide appropriate action in the light of the advice.

“Permanently unfit for any work within the council”

Where the medical advice is that the employee is, on the balance of probabilities, likely to be either permanently unfit for any work with the council, they must be invited to attend a Step 3 Sickness Hearing in line with the Managing Sick Leave Policy

In line with the policy, the employee who is permanently unfit for any council work, will be advised that they are to be retired on the grounds of permanent ill-health, and advised of any ill-health pension benefits payable, together with estimates. They should also be advised that they cannot continue or return to their current job without OH agreement.

“Permanently unfit for current duties but alternative employment should be considered”

An employee who is not fit for their current employment but may be fit to perform alternative work/modified duties, must be advised of the following:

- that consideration will be given to modifying the job and/or working arrangements as advised by Occupational Health;
- that, where this is neither appropriate nor reasonable, a search for alternative work will be carried out during their notice period.
- that any potentially suitable job on the same grade as the employee’s current job will be subject to a 4-week trial period, during which time suitability will be assessed by both the employee and the manager, including monitoring of sickness absence levels;
- that, if a redeployment is identified, they will receive the salary and terms and conditions appropriate to the job into which they have been redeployed;
- that where no suitable alternative employment can be identified and/or modified duties are not appropriate, the employee will be referred again to Occupational Health who will be asked to give a final assessment of their fitness to work;
- that, in the event that Occupational Health assesses that the employee’s ill-health is likely to render the employee permanently incapable, and that it has not been possible for the employee to be redeployed, a pension benefit entitlement would have to be considered (assuming that the employee is a member of the LGPS). In such a case, the employee should be referred to an independent medical practitioner for a formal opinion on permanent incapability.

The employee will need to be referred to a [Step 3 Sickness Hearing](#), where dismissal would be on the grounds of incapacity and there would be no entitlement to immediate pension benefits, unless the independent medical advice confirmed permanent incapacity.

FREQUENTLY ASKED QUESTIONS ABOUT THE SICKNESS ABSENCE POLICY

Q1. What should a manager do if the employee (who is returning from sick leave) will not discuss the reason for the absence at the return to work interview because it is too personal?

A1. Refer the employee to Occupational Health (OH).

Q2. Are there any exceptions to the requirement that an employee who has had 8 days sick leave in any rolling twelve month (or less) period must be referred to the Occupational Health Unit for advice on the employee's health and fitness to carry out their job?

A2. No.

Q3. When should employees be referred to Occupational Health (OH)? OH?

A3. The 8 day trigger is the point at which managers **must refer** an employee to OH.

Managers do not need to wait until an employee reaches 8 working days absence before they make a referral to OH.

They can also refer an employee to OH at any time if they are concerned about an employees' absence pattern or if the employee has a health issue that causes concern. This might include where an employee leaves work early, or comes in late, due to sickness (see FAQ 15 for more details), or where an employee has a period of sickness absence which is less than 8 working days and may benefit from health advice from a medical practitioner to assist their return to work. Referral to OH helps managers and staff to manage and also provides advice and guidance for managers and staff.

Q4. Can an employee be referred to OH if they have patterns of absence that cause concern but 8 days of absence are not accrued? For example if they have a pattern of leaving work early and/or coming in late due to sickness?

A4. Yes they should be referred to OH if they have patterns of absence which cause concern. Managers do not need to wait until an employee reaches 8 working days absence before they make a referral to OH if a pattern of absence causes concern. If someone leaves work early, or comes in late, due to sickness the manager should undertake a return to work discussion with the employee.

Q5. How do I record sickness absence that is not a full working day?

A5. Managers can keep a record for themselves of working time lost in such circumstances to ensure that there is no pattern which gives cause for concern and may result in a referral to Occupational Health (see Q4 above). If someone leaves work early, or comes in late, due to sickness

the manager should undertake a return to work discussion with the employee.

Q6. Why is a referral to Occupational Health necessary?

A6. It is considered that any employee, who has had 8 working days sick leave in a twelve month or less period, or an absence pattern or health issue that causes concern, and their manager, may benefit from health advice from a medical practitioner whose particular expertise is in the area of work and health. A referral to Occupational Health must never be considered to be a punishment for or a deterrent to taking sick leave; the assumption is always that the employee has been genuinely unwell, and the advice of occupational health is sought in the interests of both the employee and the council.

Q7. What happens at an Occupational Health appointment?

A7. Each Occupational Health appointment is at least an hour long takes a holistic approach to the employee's health. This is not limited to the ailments in question but overall health, mental and physical, diet, exercise, domestic and family situation. In short, anything in the employee's life which may have an impact on their ability to attend and/or perform well at work. An employee will probably feel more comfortable discussing intimate issues with a medical practitioner than with their manager.

Q8. The employee has seen their GP and has a certificate to prove it. Why bother with an Occupational Health referral?

A8. Please see the reasons given in A6 and A7 above. The hour-long Occupational Health appointment compares with the 3 to 5 minutes allowed by GPs for each consultation. Even short common or garden illnesses can point to an underlying serious condition e.g. anaemia, malnutrition, allergy etc.

Occupational Health can contradict a GP's fit for work certificate. Occupational Health considers the employee's health in the context of the employee's job. The GP does not, and relies heavily on what they are told (in 3 to 5 minutes) by the employee. The employee may be genuinely convinced that they are unable to do their job because of their ill-health but, following an appointment with Occupational Health at which all options are explored, some strategies for an earlier return to work may be identified.

Q9. The formal attendance monitoring procedure has four-weekly monitoring periods with meetings between manager and employee at the end of each period. Do these meetings still take place if Occupational Health advice or an appointment is awaited?

A9. Yes. It is important to maintain the four week review pattern so that cases do not become sidelined and/or forgotten.

Q10. The sickness notification procedures stipulate when the absent employee has to speak to their manager but nothing is stipulated beyond the 18th working day. Should there be further contact?

A10. Yes. Phone and written contact must be maintained in accordance with the [Managing Sick Leave Procedure](#). Apart from this, it is important that managers speak informally, where appropriate, to absent employees to keep them up to date and in touch with the workplace. It is very easy for absent employees, particularly those on long term sick leave, to become isolated and detached. Employees should expect such contact from work, and be encouraged to initiate such contact. You should keep a note of any such contact with the employee for further reference.

Q11. Do different procedures apply to long term sick leave?

A11. Monitoring of long term sickness absence is subject to the same procedures. There is no reason to separate long term absence for special procedures.

Q12. What pay does an employee receive for the time they do not work during a phased return?

A12. An employee who returns to work in line with a phased return plan will be deemed to be off sick on any day they are not at work, and will receive the appropriate rate of sick pay in respect of these periods. So, if the phased return starts when they are still entitled to full pay, they will receive full pay in respect of the time they are not at work; half pay if they have exhausted their entitlement to full rate sick pay; and no pay if they have exhausted their entitlement to any sick pay. An employee who is on no or half-rate sick pay may wish to take annual leave during such periods to make up the shortfall in pay, until they have returned to work fully.

Q13 What about sickness just before annual leave?

A13 If sick on the working day before the onset of booked annual leave, the employee must contact their manager on the first day of planned annual leave to confirm either:

- they are well and will be taking their planned annual leave as booked
- or
- they are still sick and will not be taking their planned annual leave. (In order for annual leave to be reimbursed, they will have to present a “fit to work” statement/ medical certificate for the whole period for which they are seeking reimbursement of leave, and dated on the first day of sickness.)

Q14 What about an employee who falls sick during annual leave?

A14 If the employee becomes sick during a period of annual leave, they must follow the normal notification procedure if they wish to be recorded as on sick leave rather than on annual leave. In order for annual leave to be reimbursed, they will have to present a “fit for work” statement/medical certificate for the whole period for which they are seeking reimbursement, and dated on the first day of sickness.)

If they become sick while on leave abroad, their absence will not be recorded as sick leave unless:

- their illness has been such that they have had to return home before the planned end date of their annual leave;
- or
- they can provide a bona fide medical certificate.

Q15 What happens if an employee is sick on a Bank Holiday

A15 An employee need not follow the above notification/certification requirements if sick on a bank or public holiday unless they were due to work on that day. Employees who are not due to work cannot claim back any time if they are sick over a bank or public holiday.

Q16. What if an employee needs to be away from home (for example they need to travel abroad) when they are on sick leave?

A16. If an employee is currently on sick leave and they intend to be away from home or need to travel during their sick leave, they should advise their manager of their intentions, including expected date of travel and expected date of return, as soon as possible. They should be contactable and should provide appropriate contact details to their manager. Employees are also encouraged to keep in touch with their manager whilst they are away.

The employee should also continue to follow the required absence notification process and may need to obtain a “fit note” from their GP depending on the length of absence. The manager should also continue to maintain contact with the employee so they can keep them informed of their absence management and any work related developments.

The employee should also note that they may be asked to come in to meet with their manager if their sickness continues and will need to be available to do so.

Q17 If an employee works compressed hours, so for example works full time but over 4 days instead of 5, would the trigger for Step 1 Managing Sick Leave Procedures still be when they have had 8 days absence?

A17 No. In this instance, 4 day’s absence has the same impact on the council as 5 day’s absence for other employees, and therefore Step 1 should be instigated after 7 days absence i.e. 8 days FTE

Q18 What happens if an employee comes to work and does some work, but is then ill and unable to stay for the rest of the working day, so leaves work early? Is this recorded as ½ day sickness?

A18 No. Statutory Sick Pay (SSP) cannot be paid for half days. As a rule, if an employee comes to work but leaves early, or is ill initially but then comes to work arriving late, this shouldn’t be recorded as sickness absence. Managers can keep a record for themselves of working time lost in such circumstances to ensure that there is no pattern which gives cause for concern and may result in a referral to Occupational Health. If

someone leaves work early, or comes in late, due to sickness you should undertake a return to work discussion when the employee returns.

Q19 What if an employee needs to attend a medical appointment

A19 See [Special Leave Policy](#) which sets out time off for medical appointments

Q20 Do you record absence during pregnancy under the sickness absence procedure

A20 Such absences are recorded as sick leave
Inclusion in the sickness management procedure is essential to ensure that appropriate support is provided where necessary to employees, including referral to occupational health.

See the following **FAQ's** under the [Maternity Leave Policy](#) for more information and the circumstances when commencement of maternity leave is triggered by sickness absence

- *What happens if I am off sick before I start Maternity Leave*
- *What happens if I am sick when I am supposed to return to work from Maternity leave*